

**UNITED STATES DISTRICT COURT**

District of New Jersey

Chambers of  
**William H. Walls**  
Senior District Judge

(973) 645-2564  
(973) 645-3436 Fax

Martin Luther King Jr.  
Federal Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

NOT FOR PUBLICATION

LETTER ORDER

ORIGINAL ON FILE WITH CLERK OF COURT

May 6, 2010

**Appearances:**

Andrew D. Kogan  
Assistant U.S. Attorney  
Office of the U.S. Attorney  
970 Broad Street, Room 702  
Newark, NJ 07102

Johnsy Agosto, # 245882-050  
Federal Correctional Institution Elkton  
P.O. Box 10  
Lisbon, OH 44432

**Re: Johnsy Agosto v. United States**  
**Crim. No. 02-581 (WHW)**

Dear Parties:

On December 9, 2009, Johnsy Agosto moved this Court to reduce his sentence if and when the Fairness in Cocaine Sentencing Act of 2009, H.R. 3245, is passed. He writes: "In light of the anticipated passage of H.R. 3245, which is expected to impact tens of thousands of federal inmates, I'm filing this motion to prevent delay in obtaining relief once the 1 to 1 crack ratio bill is passed."

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This motion is dismissed without prejudice as premature. If and when the bill in question becomes law, Mr. Agosto may renew his motion. Until then, the matter before the Court is unripe.

IT IS on this 6th day of May, 2010:

ORDERED that Johnsy Agosto's Motion to Reduce Sentence is DISMISSED without prejudice.

May 6, 2010

/s William H. Walls  
United States Senior District Judge

cc: All counsel of record (by CM/ECF)  
Johnsy Agosto (by USPS)